

Message Text

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LIMDIS

FOLLOWING REPEAT STATE 270901 ACTION MEXICO 15 NOV

QUOTE

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LIMDIS

E.O. 11652: N/A

TAGS: ETRD, MX

SUBJECT: US-MEXICAN TRADE RELATIONS: SHRIMP INVESTIGATION

REF: A) STATE 26868, B) MEXICO 10013

1. ITC INVESTIGATION SHRIMP INDUSTRY INITIATED UNDER
SECTION 332 OF TARIFF ACT OF 1930, WHICH AUTHORIZES ITC TO
ASSESS THE CONDITIONS OF COMPETITION BETWEEN IMPORTED AND
DOMESTICALLY PRODUCED GOODS. INVESTIGATIONS ARE INITIATED
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AT REQUEST OF THE PRESIDENT, HOUSE WAYS AND MEANS COMMITTEE,

SENATE FINANCE COMMITTEE OR BY ITC ON ITS OWN MOTION. IN SHRIMP CASE ITC UNDERTOOK INVESTIGATION ON OWN INITIATIVE PARTLY AS CONSEQUENCE OF CONGRESSIONAL AND BUSINESS INTEREST. FACT FINDING INVESTIGATIONS PURSUANT TO SECTION 332 ARE UNDERTAKEN FAIRLY FREQUENTLY BY ITC. COMMISSION CUSTOMARILY DOES NOT DRAW CONCLUSIONS OR MAKE RECOMMENDATIONS IN THESE CASES AND PURPOSE OF STUDIES IS NOT IMPOSITION OF RESTRICTIONS AGAINST IMPORTS.

2. RE PUBLIC HEARINGS, IT IS POLICY OF ITC TO HOLD HEARINGS IN DIFFERENT PARTS OF COUNTRY IN ORDER TO OBTAIN FIRST HAND INFORMATION FROM PARTIES DIRECTLY AFFECTED BY MATTER UNDER INVESTIGATION. RESTRICTIONS COULD NOT BE IMPOSED AS RESULT THESE 332 HEARINGS.

3. DEPARTMENT BELIEVES THERE MAY BE SOME CONFUSION BETWEEN ESCAPE CLAUSE PROVISIONS OF TRADE ACT (TITLE II) AND INVESTIGATIONS UNDER SECTION 332. WE HAVE JUST LEARNED THAT INDUSTRY INTENDS TO FILE AN ESCAPE CLAUSE PETITION IN NEAR FUTURE. DEPARTMENT DOES NOT BELIEVE THERE ANY LINK BETWEEN 332 HEARINGS AND INDUSTRY DECISION TO FILE. MOREOVER, A PETITION DOES NOT AUTOMATICALLY IMPLY THAT RELIEF WILL BE PROVIDED. AS EMBASSY AWARE, TEMPORARY RESTRICTIONS CAN ONLY BE IMPOSED PURSUANT TO ESCAPE CLAUSE PROCEEDING PROVIDED ITC DETERMINES THAT IMPORTS ARE INCREASING AND THAT INCREASED IMPORTS ARE A SUBSTANTIAL CAUSE OF SERIOUS INJURY TO DOMESTIC INDUSTRY. IN FIRST TWO DECISIONS UNDER REVISED ESCAPE CLAUSE PROVISIONS OF TRADE ACT, ITC MADE NEGATIVE DETERMINATIONS WITH

REGARD TO INJURY AND NO RESTRICTIONS WERE IMPOSED.

4. GIST OF PARAS (1) AND (2) ABOVE CONVEYED TO AMBASSADOR DE OLLOQUI BY DEPUTY ASSISTANT SECRETARY GLITMAN (REFTEL A) AND WILL BE REITERATED IN DEPARTMENT RESPONSE TO GOM NOTE.

5. FYI: H.R. 5762, CALLING FOR QUANTITATIVE LIMITATIONS ON IMPORTATION OF SHRIMP, INTRODUCED APRIL 9, 1975 AND REFERRED TO COMMITTEE ON WAYS AND MEANS. BILL CALLS FOR LIMITED OFFICIAL USE

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QUOTAS ON IMPORTATION OF SHRIMP INTO U.S. DURING CALENDAR YEARS 1975 AND 1976 FROM ANY FOREIGN COUNTRY NOT TO EXCEED AVERAGE ANNUAL QUANTITY OF SHRIMP FROM A COUNTRY WHICH WAS ENTERED DURING 1971 THROUGH 1973 BASE PERIOD. BILL ALSO IMPOSES DUTY ON IMPORTED SHRIMP OF FIVE PERCENT AD VAL. NO HEARINGS HAVE BEEN SCHEDULED TO DATE AND IT APPEARS UNLIKELY THAT MEASURE WILL BE GIVEN ACTIVE CONSIDERATION IN NEAR FUTURE. MEXICAN NOTE

(REFTEL A) DID NOT REFER TO BILL. DEPARTMENT ASSUMES
THERE HAS BEEN NO MENTION OF MEASURE IN MEXICAN PRESS.
END FYI.

6. DEPARTMENT WILL BE PLEASED TO DISCUSS MATTER WITH
SECRETARY MEDINA NERI NEXT WEEK. EFFORT WILL BE MADE
TO ARRANGE APPOINTMENT WITH DEPUTY ASSISTANT SECRETARY
MAYNARD GLITMAN. HOWEVER, IF HE UNAVAILABLE DUE TO
TIGHT SCHEDULE, APPOINTMENT WILL BE MADE WITH CARL W.
SCHMIDT, DIRECTOR, OFFICE OF TRADE. DEPARTMENT ALSO
SUGGESTS THAT NERI SEEK APPOINTMENT WITH APPROPRIATE
OFFICIAL AT ITC IN ADDITION TO APPEARANCE AT HEARINGS.
PLEASE ADVISE. KISSINGER UNQUOTE JISSINGER

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